

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
                                  Plaintiff, )  
                                  )  
                                 vs. )                                  8:08CR433  
                                  )  
                                  )  
RICHARD TRIPPLETT, )                                  ORDER  
                                  )  
                                  )  
                                 Defendant. )

This matter is before the court on the defendant's motion to continue trial (Doc. 14). Defense counsel has a scheduling conflict with the current trial date. The defendant has filed an affidavit or declaration regarding speedy trial, as required by [NECrimR 12.1 and/or 12.3](#). For good cause shown, trial will be continued to April 7, 2009.

**IT IS ORDERED** that the motion is granted, as follows:

1. The jury trial now set for January 20, 2009 is continued to **Tuesday, April 7, 2009**.
2. In accordance with [18 U.S.C. § 3161](#)(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **January 20, 2009 and April 7, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

**DATED January 7, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**